

### **REMARKS/ARGUMENTS**

This paper reopens prosecution following the Decision on Appeal mailed November 5, 2012. By this paper, claim 1 has been amended, claims 2-29 are canceled (some were canceled previously), and new claims 30-48 are added. No new matter has been added. Upon entry of this amendment, claims 1 and 30-48 are pending in this application.

In the Final Office Action prior to the Appeal, the claims were treated as follows:

- claims 1-8, 10, 15-19 and 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Savitzky et al. (U.S. Pat. No. 6,571,271) and Mathias et al. (U.S. Pat. No. 6,480,627);
- claims 9, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of Savitzky et al., Mathias et al. and Shiota et al. (U.S. Pat. No. 6,337,712); and
- claims 24-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of Savitzky et al., Mathias et al. and Zhang et al. (U.S. Pat. No. 6,968,366).

#### **Independent Claim 1**

Amended independent claim 1 recites the following (among other features):

at least one processor in communication with the at least one image server, the at least one processor configured to use a plurality of sets of picture-frame-specific user-specified criteria for periodically selecting new digital images to update corresponding images displayed on electronic picture frames at a premises, ... wherein different sets of user-specified criteria are established for different picture frames at a premises, ...

None of the applied references show such a periodic selection of digital images using a plurality of sets of picture-frame-specific user-specified criteria for periodically selecting new digital images to update corresponding images displayed on electronic picture frames at a premises. The primary reference, Savitzky et al. generally describes a system that allows users to upload pictures from their cameras by plugging their camera's memory card 502 into a slot on a kiosk 504. The user can then use a browser to search for desired pictures. See, e.g., Savitzky

et al., col. 1, lines 57-59. There is no discussion of the periodic selection of new digital images, or the corresponding use of picture-frame-specific user-specified criteria.

The secondary reference of Mathias does not overcome this deficiency. The Mathias et al. reference primarily deals with image recognition on an assembly line, and was cited in the prior Office Action for a “standing order” feature in which, for example, the Mathias et al. image recognition system could be used to look for pictures of cars on the Internet. Even if combined, there still is no picture-frame-specific user-specified criteria, or the recited periodic selection of new digital images to update images displayed on electronic picture frames, as recited in amended claim 1.

The additional references were cited for other features, and also do not overcome these deficiencies. The Shiota et al. reference similarly describes use of coin-operated machines 15 that can allow users to plug their cameras in and upload images to a server. Its focus is on the uploading of images, and it does not describe the recited periodic selection of new digital images to update corresponding images displayed on electronic picture frames at a premises.

The Zhang et al. reference was cited to show treatment of video, to augment the pictures discussed in the other references, and similarly does not show the periodic and electronic picture frame features discussed above.

### **New Independent Claims 30 and 39, and Dependent Claims 31-38 and 40-48**

New independent claim 30 recites the following:

- storing, at one or more computing devices, different sets of image preferences corresponding to different image display devices located at a first premises;
- automatically and periodically using the different sets of image preferences to select replacement images for display on respective ones of the display devices from an image server computing device; and
- updating images displayed by the image display devices with the corresponding selected replacement images

None of the applied references show such a method, with the different sets of image preferences corresponding to different image display devices located at a first premises, and the automatic and periodic use of the preferences to select replacement images for display on respective ones of the image display devices. The teachings of the references are discussed

above, and from that, Applicants submit that new independent claim 30 is distinguishable as well.

New independent claim 39 is also distinguishable. It recites the following:

establishing different display device-specific image criteria for each of a plurality of image display devices at a first premises, wherein the criteria include information identifying a user's preferred image type; and  
configuring each of the image display devices to display images, and to automatically retrieve new images from an image server computing device at corresponding time intervals, wherein the retrieval of new images includes using each display device's image criteria to select its new image

From the discussion above regarding the teachings of the cited references, Applicants submit that those references do not show the recited establishing of different display device-specific image criteria ... including information identifying a user's preferred image type, and the recited automatic retrieval at corresponding time intervals.

The dependent claims recite additional features that are absent from the cited references. For example, new claim 32 recites a purchase cost limit for each of the image display devices, and using the limit when periodically obtaining new images for display on the image devices. Claim 33 recites that the cost limit is a limit for a recurring period of time, and new claim 41 also recite establishing a price limit.

As another example, new claim 38 recites that a first one of the replacement images is displayed on a tablet computing device as a tie-in to a video program being consumed on another device, while claim 48 recites some of the same language. The cited references do not discuss such use of tablet computing devices as a tie-in to a video program being consumed on another device.

**CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

If additional discussion and/or amendment is desired, the Examiner is respectfully invited to telephone Applicants' undersigned representative at the number appearing below.

Respectfully submitted,  
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